

In re: MYATT
10/690,825

REMARKS

Reconsideration and allowance are respectfully requested.

Claims 1-34 are pending in this application with claims 30-31 being allowed and claims 32-34 being new.

Applicant and the undersigned would like to thank the Examiner for the courtesies extended during the interview of July 27, 2006. The undersigned and co-inventor John Myatt attended the interview with the Examiner. The pending rejection of claim 1 in view of Chirnomas was discussed. As discussed in greater detail below, it was argued that Chirnomas does not teach or suggest that the holder be attached solely to the rear side of the sign and supported solely by the sign. Rather, Chirnomas teaches that his sign is attached to the front door via a perimeter frame and that the separate graphics panel/holder is installed via a slot on the door. Thus, the graphics panel/holder is not 1) attached solely to the rear side of the sign or 2) supported solely by the sign. Rather, the graphics panel/holder is supported by the door 14.

It was further argued that Chirnomas is not directed to a retrofit kit for updating the appearance of older machines as is claim 1, but discloses a vending machine of new manufacture. Therefore, Chirnomas neither recognizes the problems of updating the appearance of prior art type machines already in the field nor the issues related to providing a retrofit kit for updating such machines.

Finally, the commercial success of the invention was discussed. Mr. Myatt related that more than 30,000 of the Signage Retrofit Kits had been sold to date to retrofit approximately the same number of beverage vending machines. Mr. Myatt related reports back to him that beverage vending machines retrofitted with the Signage Retrofit Kit have resulted in increased product visibility and increased sales. Specifically, it had been reported that sales generally

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increased at the same machine location when either an existing machine at that location had been retrofitted with a Signage Retrofit Kit or replaced with a machine retrofitted with a Signage Retrofit Kit. These reports attribute the increased sales to an increased awareness and understanding by the customer of the various products/flavors contained within the retrofitted machine as a direct result of the Signage Retrofit Kit, as compared to the original machine. As noted in the present specification, there is a potential savings of more than \$1000 per machine in a situation where an old style machine still having useful operating life is retrofitted with a Signage Retrofit Kit and returned to service, as opposed to being retired/scrapped because of the product marketing deficiencies of the old style machines.

Photos were shown to the Examiner during the interview. These photos show representative examples of old style vending machines before and after being retrofitted with a signage retrofit kit of the present invention. Copies of those photos are attached.

The interview ended without agreement on the allowability of claim 1, with the Examiner indicating that she would consider our arguments further once filed in a formal response.

Claims 1-4, 7, 8 and 9-16 stand rejected under 35 USC 102(b) as being anticipated by Chirnomas.

Claim 1 requires:

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a sign having a front side for forming an exterior surface of the vending machine and being visible to a customer of the vending machine and a rear side for facing the vending machine, the sign being attachable to a front portion of the vending machine and having at least one window portion through which an item located on the rear side of the sign can be viewed from the front side of the sign, the window portion being spaced apart from a product identification window of a selection panel of the vending machine and having a size greater than a size of the selection panel product identification window; and

a holder constructed and arranged to be attached solely to the rear side of the sign and supported solely by the sign, the holder also constructed and arranged to hold a remote product identifier such that the remote product identifier is viewable from the front side through the window portion of the

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